

**Nebraska Commission for the Deaf and Hard of Hearing
Full Commission Board Meeting
March 3, 2006
4600 Valley Road, Room 4A
Lincoln, NE
9:00 a.m.**

Chairperson Ms. Barb Woodhead called the meeting to order at 9:05 a.m.

A. Roll Call

Members present were Ms. Mary Ann Burke, Mr. Mike Carruthers, Mr. Daniel Darnall, Mr. James DeVaney, Ms. Luana Duennerman, Ms. Barbara Woodhead. Absent was Ms. Margaret Coleman, Ms. Pamela Duin and Dr. Kenya Taylor. Staff present was Ms. Tanya Wendel, Executive Director and Mr. Lori Burrage, Business Manager. Interpreters present were Ms. Amy Curry and Ms. Bethany Koubsky. Ms. Woodhead asked Mr. Carruthers to serve as Secretary until Ms. Coleman arrived.

B. Acceptance of the Agenda

Ms. Woodhead asked for changes or additions to the agenda. Ms. Duennerman asked to add an item under Deaf and Hard of Hearing Issues, b. State Association National Conference Report. Ms. Wendel asked to add an item under Old Business, 6. Update on LB 87. Ms. Duennerman asked to add an item under Old Business, 7. NeHAC Report. Ms. Wendel asked to add an item under New Business, 2. Election of officers. **Ms. Duennerman made a motion to accept the agenda as amended. Ms. Burke seconded the motion. Roll call vote: Ms. Burke, yes; Mr. Carruthers, yes; Ms. Coleman, absent; Mr. Darnall, yes; Mr. DeVaney, yes; Ms. Duennerman, yes; Ms. Duin, absent; Dr. Taylor, absent. Vote was unanimous in favor of the motion.**

C. Acceptance of Minutes

1. Full Commission Meeting – December 2, 2005

Ms. Woodhead asked for changes or additions to the minutes. **Ms. Duennerman made a motion to accept the minutes as presented. Mr. DeVaney seconded the motion. Roll call vote: Ms. Burke, yes; Mr. Carruthers, yes; Ms. Coleman, absent; Mr. Darnall, yes; Mr. DeVaney, yes; Ms. Duennerman, yes; Ms. Duin, absent; Dr. Taylor, absent.**

D. Chairperson's Report

1. Appointments

Ms. Woodhead reported that Mr. DeVaney and Dr. Taylor have been reappointed for a second term. Ms. Woodhead stated the Governor's office has received one application for the hard of hearing position. The Governor's office would like to have other applications. Ms. Woodhead asked the members to try and recruit hard of hearing individuals to apply. Notices were sent to the SHHH groups in December and January. Ms. Woodhead has not received a response to the letter sent to Ms. Duin in December. Ms. Wendel explained a letter will need to be sent to the Governor's office outlining the efforts to contact Ms. Duin and ask for a replacement. This will open a professional position on the Board. Ms. Wendel will draft the letter for Ms. Woodhead's signature.

Ms. Margaret Coleman arrived at 9:15 a.m.

E. Executive Director's Report

1. Staff Update

a. Omaha Staff Assistant

Ms. Wendel reported Ms. Lynn Andersen resigned effective February 14, 2006 after accepting a position with Deaf Missions in Council Bluffs, IA. The position has been advertised and interviews will be conducted next week.

b. Mentor Coordinator

1. Mentoring Grant

Ms. Wendel reported the Voc Rehab grant application was approved for a 2 ½ year period. The grant will partially fund a new Mentor Coordinator position, the remaining funding will come from the existing Interpreter Program Coordinator position. Applicants must be a native language user and encouraged the members to contact anyone they may know to apply for the position.

2. Interpreter Referrals

a. Open Meeting 2-17-06

Ms. Wendel stated the Commission has been very active in addressing concerns regarding the lack of interpreters. Some Omaha interpreters have met and are forming their own referral business in Omaha. Ms. Wendel asked the Board if the Commission should continue the referral service. Referrals have declined the last three years, many interpreters are contracting directly with businesses.

b. Interpretek proposal

c. Private Referral Agencies

d. Questionnaire Results

Ms. Wendel reported Interpretek provided a proposal to offer interpreter services to the Commission, the Board will need to vote on this proposal. They are able to provide both Video Remote and live interpreters. They are providing Video Relay Services for Sprint under a contract with CSD and have an office established in Omaha. The Commission has been unable to attract qualified staff interpreters, therefore are using outside interpreters for meetings and are experiencing the same difficulty in finding interpreters. Many of the higher qualified interpreters from Omaha and Lincoln are currently working for Interpretek or post secondary institutions. Ms. Duennerman asked how interpreters felt about Interpretek. Ms. Wendel stated they are concerned about all the companies moving into Omaha. Ms. Woodhead stated some of the original concerns brought up at the first meeting have been addressed. Additional meetings have been held, the interpreters understand the companies are here to stay, it is not adversarial at this point and they can all work together. Ms. Wendel stated the Board needs to decide on continuing the referral service. The positions connected with the referral service are high turnover. We currently are researching a web based system and the costs. Ms. Wendel asked if the companies should be listed on the interpreter directory and included in the calling order as private practice interpreters are. Mr. Mike Rizzolo with Interpretek suggested having his 14 employees listed individually on the directory as they are able to accept referrals through his company or independently. Mr. DeVaney asked how many interpreters are working for Interpret 4 U. Mr. Darnall asked if businesses are paying a fee in addition to the interpreter fees. Ms. Woodhead stated she does not have all the details. Ms. Wendel stated interpreters are being contacted twice for the same jobs. Ms.

Woodhead stated that is a policy issue and needs to be clarified with interpreters that they are not to contact other interpreters on their own. Ms. Woodhead added that duplicated contacts will continue to occur for those interpreters who are registered to receive referrals from multiple agencies. Ms. Wendel cited an example where a referral (team assignment) initiated through the Commission was double filled. NCDHH had filled the request with team interpreters and one of the interpreters had arranged for a team interpreter on her own. With new referral businesses opening, Ms. Woodhead said it will be important for NCDHH to clarify its policy and procedures for interpreters who receive their work through the Commission. Ms. Wendel relayed another concern regarding referral delays and challenges when interpreters do not return phone calls. Ms. Woodhead suggested that NCDHH review its practice of placing interpreters on an inactive list when the lack of contact becomes a trend or problematic. Ms. Woodhead asked to table discussion until the Interpreter Issues Committee meets.

Mr. DeVaney stated emergency interpreter situations continue to be a problem. Ms. Burke asked if any hospitals have set up Video Remote Interpreting. Ms. Wendel stated Bryan LGH East and West in Lincoln are very interested. Ms. Wendel and Ms. Janet Killam met with Alegent in Omaha regarding interpreter issues. Alegent has their own interpreters they consider employees. Some of the confusion is when patients go to an Alegent facility, not all the physicians are affiliated with Alegent, they just rent office space. Mr. DeVaney asked if they are qualified interpreters. Ms. Burke stated some deaf people are dissatisfied with the interpreter services being provided by Alegent. Ms. Wendel stated Alegent is willing to try to accommodate a deaf person's preference when possible. However, if the preferred interpreter is not available, Alegent will use someone else on their list.

3. Business Manager Report

a. General Ledger

b. 10/11 Ad

Ms. Burrage reported both Commission ads run on Channel 7 in Omaha and Channel 10/11 in Lincoln was open captioned. A concern was raised in an editorial run in the Nebraska Journal. Mr. DeVaney asked why the weather is not captioned. Ms. Wendel stated individuals need to contact TV stations and file complaints. Ms. Woodhead stated this is a good issue for NeAD to address at their next meeting.

F. Subcommittee Reports

1. Legislative Committee

a. ASL – LB 946

b. ASL Bill Status

c. Press Release – Hearing 1/17/06

d. NDE – Board Hearing

Ms. Wendel reported the hearing on LB 946 was held but the bill has not advanced out of committee and will be difficult to pass due to a short session. Senator Raikes met with Mr. Daniel Darnall, Mr. Lindsay Darnall, Jr and Mr. Norm Weverka to explain the importance of the bill, however, it has not moved out of committee. Mr. Darnall stated Senator Raikes doesn't understand the difference between ASL and SEE II. Ms. Wendel stated the Nebraska Department of Education Board (NDE) is receptive to the idea of recognizing ASL as a world language. The Regional Programs appear to be in support and have been assigned the responsibility to write a position paper. Ms.

Wendel feels the Commission should attend the next NDE Board meeting to see if they have addressed the issue. Ms. Wendel stated people should continue to contact their senators to support the bill.

2. TRS Advisory Committee

a. Re-Appointment of member(s)

b. Meeting Minutes 1/26/06

c. Equipment Statistics

Mr. DeVaney reported the NEDP funding has been spent, all new applications will be held until July. Ms. Wendel stated this is the second year the program has run out of money. Legislation needs to be introduced to modify the surcharge amounts for additional funding. The TRS Advisory Committee made a recommendation to introduce legislation that the Commission would initiate.

3. Goals Committee

a. Strategic Planning Process

b. Forms

Ms. Wendel stated Mr. Carruthers has agreed to be on the Goals Committee. The committee will look at short and long term strategic planning. The next meeting will be held April 4th, from 4:30 p.m. to 6:00 p.m. via video conference in Kearney with Dr. Taylor and Mr. Carruthers. There is no funding to hire a consultant for the project.

4. Interpreter Issues

a. Court Interpreters

b. Referral Issues

Ms. Woodhead reported two issues discussed were interpreter wages in the court system and the Interpretek proposal. The committee made a recommendation to use Interpretek as a secondary source when interpreters cannot be obtained from the Commission directory. The committee felt Interpret 4 U is not established enough to consider them a secondary source for obtaining interpreters at this time.

AUDIENCE COMMENTS

Ms. Woodhead asked for audience comments. Ms. Maureen Larsen, Ms. Carla Engstrom, Ms. Lorelei Waldron and Ms. Jamy Elker introduced themselves. Ms. Maureen Larsen spoke on the Interpreter Licensing Board recommendation that legal interpreters be restricted to nationally certified. The credentials of a sign language interpreter can be called into question in a legal setting everyday. QAST is a regional screening process with no statistical reliability unlike the national test. Ms. Woodhead questioned if this would further limit the availability of interpreters in legal settings. Ms. Larsen responded that interpreters with both a CI and a CT are willing to go back to legal settings with the proposed 80% increase in pay and portal to portal fees. Ms. Woodhead asked if those interpreters will guarantee their availability and make legal assignments a priority. Ms. Larsen stated there is discussion within the courts that they may hire, or keep on retainer, a nationally certified interpreter for both foreign and sign language. Ms. Carla Engstrom stated she is the guardian of a deaf person that requires two interpreters and this would hinder getting interpreters for this person. Ms. Engstrom asked if a CI/CT will be required for traffic court and other minor courts. Ms. Larsen stated the courts will probably use VRI for those assignments. Ms. Lorelei Waldron stated she understands the difference between QAST and RID, she has both ratings. She feels there has been a

misunderstanding of QAST and RID, cannot compare the two. She feels if an interpreter has a QAST level 4 or 5, they will be able to pass RID. She applauded the Interpreter Issues Committee for working with the interpreter businesses and is hopeful that everybody can work together to better serve the Deaf community. Letters from Ms. Frances Beaurivage and Ms. Kelly Brakenhoff opposing this recommendation were distributed. Ms. Jamy Elker, supports the recommendation, stating as a person that has recently set up a referral business, she would require a national certification for legal situations. Audience comments closed. Ms. Wendel informed Ms. Elker her business has not been included in the Commission's calling order as the Interpreter Issues Committee is unsure of where the business stands at this time. Ms. Elker may submit a letter requesting to be added.

Ms. Woodhead stated that it was unfortunate that the Commission was not receiving a position statement from NeRID supporting the recommendation. She contacted Mr. Gary Beck and was informed that the NeRID Board was not taking a position on the legal licensure recommendation at this time due to lack of consensus. Ms. Woodhead added that the NCDHH Board would feel less concerned about the potential hardship (lack of access) for deaf individuals if we had confidence from the service providers that there would be enough interpreters with national certification to cover the state's legal needs – courts, law enforcement settings, and attorney/client meetings. She stressed that national CT/CI certification does not ensure more competent legal interpreting than QAST 5/4. The only recommendation that recognizes readiness for legal settings is the RID SC:L (legal certificate). Ms. Woodhead agreed with Ms. Larsen's earlier statement that requiring RID legal certification would be too stringent (restrictive) for Nebraska courts and deaf consumers at this time.

G. Old Business

- 1. Licensing Minutes 2/10/06**
- 2. Letter from Schaepler**
- 3. Email from Doherty**
- 4. Draft Regulations 2/22/06**

Ms. Woodhead stated Ms. Doherty's email supports the recommendation. Ms. Beaurivage's concern is connected with the lack of interpreters and feels this will further decrease the pool of interpreters. A CI/CT rating is considered a generalist certificate which is a practice level interpreter in general settings. It means the minimal requirements have been met, it does not insure an interpreter is qualified for a legal setting. The only assurance of that is if the interpreter has a legal certificate from RID. Ms. Woodhead asked the Board for a recommendation. **Ms. Burke made a motion to suspend action until the June Board meeting. Mr. DeVaney seconded the motion.** Ms. Wendel stated LB87 has advanced and is close to going to the Governor for his signature with a July 1, 2007 deadline for interpreters to be licensed for court, legal and state assignments. The process to get this finalized is six to nine months. The next step is a public hearing, changes can still be made but time is very important. The Commission's credibility will be in jeopardy if this is not finalized and licensing is not in effect on that date. **Roll call vote: Ms. Burke, no; Mr. Carruthers, no; Ms. Coleman, no; Mr. Darnall, no; Mr. DeVaney, no; Ms. Duennerman, no; Ms. Duin, absent; Dr. Taylor, absent. Mr. Darnall made a motion to approve the rules and regulations as presented. Ms. Duennerman seconded the motion.** Discussion. **Mr. Darnall asked**

to amend his motion to accept the rules and regulations with the addition of a provisional license for intermediary interpreters, a CDI would be recognized for a specialty license and to allow QAST level 5 interpreters to continue interpreting in legal settings with a provisional license and a one year timeframe to get a CI/CT rating. Mr. DeVaney seconded the motion. Roll call vote: Ms. Burke, yes; Mr. Carruthers, yes; Ms. Coleman, abstained; Mr. Darnall, yes; Mr. DeVaney, yes; Ms. Duennerman, yes; Ms. Duin, absent; Dr. Taylor, absent. Vote was five votes in favor of the motion with one abstention.

5. Comment/Complaint Form

Ms. Wendel asked the members to review the form and provide feedback as soon as possible. The next stage would be a Q & A section with links to other websites. Ms. Duennerman requested a legal opinion before putting the complaint form on the website. Ms. Wendel states this is tool for general information only.

6. NeHAC

Ms. Duennerman asked if a replacement has been found to take over the NeHAC Committee. Ms. Wendel stated she has spoken with the Nebraska Speech Language and Hearing Association regarding a representative/facilitator.

H. New Business

1. Orchard Manor

Ms. Wendel reported a meeting with the landlord of Orchard Manor has been set to discuss OAD purchasing Orchard Manor and establish an assistive living facility for deaf and hard of hearing people.

2. Election of officers

Election of officers will be held at the next meeting.

3. Next Meeting

The next meeting will held June 2, 2006 in Omaha at 9:00 a.m.

Announcements

1. 2 line Captel

A 2 line Captel phone is now available.

A Round Table meeting will be held March 25, 2006, at the OAD Hall with representatives from Deaf organizations and the Deaf and Hard of Hearing Issues Committee.

Adjourned at 3:50 p.m.